



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 31 मार्च, 1990/10 चंद्र, 1912

हिमाचल प्रदेश सरकार

आबकारी तथा कराधान विभाग

अधिसूचनाएं

शिमला-३, 26 मार्च, 1990

संलग्न ७-७६/८९-ई०एस०एन०-३३९६-३४२५.—प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में तथा पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़ गये क्षेत्रों में वथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम सं० १) की धारा 59 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इसके साथ पठित उक्त अधिनियम की धारा 9 के अधीन हिमाचल प्रदेश एक्साइज पार्वज एण्ड अरील आर्डरज, 1965 द्वारा निहित वित्तायुक्त की शक्तियों का प्रयोग करते हुए, मैं, पी० सी० डोगरा, आबकारी एवं कराधान आयक्त, हिमाचल प्रदेश, एतद्वारा हिमाचल प्रदेश आबकारी बद्द गोदाम नियम, 1987 (जिन्हे यहां इसके पश्चात उक्त नियम कह कर सम्बोधित किया गया है) में 1-४-1990 से निम्नलिखित सशीधन करता हूँ:—

संशोधन

In rule 5 of the said Rules, for the existing words figures and signs "Rs. 500/-" the words, figures and signs "Rs. 20,000/-" shall be substituted.

Shimla-3, the 26th March, 1990

No. 7-76/89-EXN-3366-95.—In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914 (1 of 1914), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-Organisation Act, 1966 and by virtue of the powers of the Financial Commis-

sioner, conferred on me under section 9 of the said Act, read with the Himachal Pradesh Excise Powers and Appeal Orders, 1965, as amended from time to time, I, P.C. Dogra, Excise & Taxation Commissioner, Himachal Pradesh, hereby make the following amendment in the Himachal Pradesh Excise Bonded Warehouse Rules, 1987 (hereinafter referred to as the said Rules) with effect from 1st April, 1990:

AMENDMENT

In rule 5 of the said Rules, for the existing words, figures and signs "Rs.500/-", the words, figures and signs "Rs.20,000/-" shall be substituted.

शिमला-3, 26 मार्च, 1990

संख्या 7-76/89-ई0एक्स0एन0-3306-35.—प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में तथा पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम सं0 1) की धारा 59 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इसके साथ पठित उक्त अधिनियम की धारा 9 के अधीन हिमाचल प्रदेश एक्साइज पार्वर्ज एण्ड अपील आर्डरज, 1965 द्वारा निहित वित्तायुक्त की शक्तियों का प्रयोग करते हुए मैं, पी0 सी0 डोगरा, आबकारी एवं कराधान आयुक्त, हिमाचल प्रदेश, एतद्वारा हिमाचल प्रदेश लीकर लाईसेंस रूल्ज, 1986 (जिन्हे यहाँ इसके पश्चात् उक्त नियम कह कर सम्बोधित किया गया है) में प्रथम अप्रैल, 1990 से निम्नलिखित संशोधन करता हूँ:—

संशोधन

1. In rule 1, after the entry L-2 but before the entry L-3 mentioned in the table, the following new entry L-2-A shall be inserted, namely:—

From	Nature	Mode of		Authority empowered to	
		Grant	Grant	Renew	Renew
"L-2-A (Ahata)	Retail vend of foreign liquor to the public only for consumption on the premises (supplementary to Form L-2)	Fixed fee	Collector	Not renewable."	

2. After the existing proviso to Rule 11 of the said Rules, the following new proviso shall be added namely :—

"Provided further that—

(a) the hotels or hotels and restaurants (when combined) for which applications are made are duly approved and registered with the Tourism Department. However, the existing such L-3, L-4 and L-5 licensees in the State will have to get their premises registered with the Tourism Department within six months from 1-4-1990, failing which they will not be entitled to the licenses after this date and their licenses will be cancelled and the fixed fee may be refunded proportionately for the remaining period of the year; and

(b) the continuance of the licenses or renewal may be allowed keeping in view the lifting of liquor from authorised sources during the last year and after ascertaining the economic viability of the licenses."

3. In the existing sub-rule (f) of rule 27 of the said Rules shall be substituted as follows:—

"(f) Notwithstanding anything contained in sub-rule (a), (b), (c), (d) and (e) of this rule—
 (i) an additional license fee @50 paise per quart bottle shall be charged from L-14 and L-14-A Licensees on the sale of original quota of country liquor fixed for the vend (two pints or four nips shall be taken equivalent to one quart bottle);
 (ii) an additional license fee @ 50 paise per quart bottle of 750 Mls. capacity shall be charged on the sale of Foreign Liquor including I.M.F.S. but excluding Beer from the L-2 and L-2-A licensees. For this purpose, the quantity of the liquor sold in bottles of other sizes shall be converted into units of 750 Mls. each. This fee shall also be payable on the sale of such liquor conducted by the L-3, L-4 and L-5 licensees in respect of the liquor procured by them from sources other than L-2 vends; and
 (iii) the additional licence fee mentioned in clauses (i) and (ii) of this sub-rule shall be payable by the 15th of the following month on the sales conducted in the preceding month. Provided that on the sales conducted in the month of March, 1991, the licensee shall be required to clear the dues on account of additional license fee by the 31st March.

*Note.—*All other provisions relating to grant of extension in payment, sealing of vends in cases of default, and levy of interest and penalty as applicable for the recovery of license fee shall apply *mutatis mutandis* to the additional license fee also."

After the existing sub-rule (2) of Rule 38 of the said Rules, the following new sub-rule (2-A) shall be added, namely:—

"(2-A) Supplementary licence in form L-2-A for retail vend of foreign liquor to the public or consumption on the premises (attached with L-2 vend) :—

- (a) The licence shall be granted only to L-2 licensees which are approved by the Financial Commissioner (Excise) at the commencement of each year;
- (b) The licensee shall run the vend on the premises in or adjoining the premises of L-2 vend to which the L-2 A vend (Ahata) is attached. Where the premises are not so provided, an L-2-A vend shall not be approved by the Collector (Excise);
- (c) The licensee shall provide proper and reasonable facilities of furniture to the customers, to the satisfaction of the Collector (Excise);
- (d) The licensee shall also provide proper cover to the customers drinking on the premises of the L-2-A vend, so that they are not visible to public from outside the vend;
- (e) The sale for consumption on the premises shall be by duly stamped peg measures of 60 Mls. and 30 Mls. in the case of Foreign Liquor and in case of Beer by quart bottle of 650 Mls.;
- (f) The foreign liquor to be sold for consumption shall be of the prescribed strength in each case, and its supplies shall be obtained from the concerned main L-2 vend only;
- (g) The licence shall not be run on the premises used as hotels and/or restaurants or at places providing eatables; and
- (h) The licensee shall in addition to keeping drinking vessels for use of customers shall also keep for their use a supply of pure drinking water."

5. In rule 39 (a) of the said Rules, after the word sign and figure "L-2" but before the word "shall", the word figure and sign "L-2-A" shall be inserted.

6. In Schedule "A" under rule 27 of the said Rules, the following new item at serial No.2-A shall be added and the existing items at serial No. 3, 10(b) and 16 shall be respectively substituted as follows, namely :—

(i) "2-A.	L-2-A for the retail vend of foreign liquor to the public only for consumption on the premises (supplementary to form L-2).	Rs. 50,000 per annum (payable in lump-sum)."
(ii) "3.	L-3, L-4 and L-5 for the vend of foreign liquor in a hotel or dak bungalow, restaurant and a bar attached to a restaurant the following fixed fee shall be charged:	
	(a) In town/village with population upto 10,000.	Rs. 29,375 per annum.
	(b) In town/village with population above 10,000 and upto 15,000.	Rs. 36,875 per annum.
	(c) In town/village with population above 15,000.	Rs. 55,000 per annum."
(iii) "10(b)	(i) Quota earmarked upto 15,000 Pls. (ii) Quota earmarked above 15,000 Pls. to 30,000 Pls. (iii) Quota earmarked above 30,000 Pls. to 50,000 Pls. (iv) Quota earmarked above 50,000 Pls. to 70,000 Pls. (v) Quota earmarked above 70,000 Pls. to 90,000 Pls. (vi) Quota above 90,000 Pls.	Rs. 10,000 Rs. 15,000 Rs. 22,500 Rs. 30,000 Rs. 37,500 Rs. 45,000"
(iv). "16(a)	Additional licence fee on Country Liquor payable by L-14 & L-14-A licensees on sale of original quota fixed for the vend; and	50 paise per quart bottle of country liquor.
16(b)	Additional licence fee on the sale of Foreign Liquor including I.M.F.S. but excluding Beer by the L-2 and L-2-A licenses and L-3, L-4 and L-5 licenses when L-3, L-4 and L-5 licensees procure such liquor from the sources other than L-2 vends.	50 paise per quart bottle of 750 Mls. capacity. (The quantity of liquor sold in bottles of other sizes shall be converted into units of 750 Mls. each).

7. The signs and words "[See sub-rule (a) of rule 27]" occurring in the SCHEDULE 'A' under Rule 27 shall be substituted by the signs and words "(See Rule 27)."

Shimla-3, the 26th March, 1990.

No. 7-76/89-Exn-3336-65.—In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914 (1 of 1914), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-Organisation Act, 1966 and by virtue of the powers of the Financial Commissioner, conferred on me under section 9 of the said Act, read with the Himachal Pradesh Excise Powers and Appeal Orders, 1965, I, P.C. Dogra, Excise and Taxation Commissioner,

Himachal Pradesh, hereby order the following further amendments in the Himachal Pradesh Liquor License Rules, 1986 (hereinafter referred to as the said rules) with effect from 1st April, 1990:—

AMENDMENTS

1. In rule 1, after the entry L-2 but before the entry L-3 mentioned in the table, the following new entry L-2-A shall be inserted, namely:—

Form	Nature	Mode of grant	Authority empowered to.	
			Grant	Renew
“L-2-A (Akata)	Retail vend of foreign liquor to the public only for consumption on the premises. (supplementary to Form L-2)	Fixed fee	Collector	Not renewable.”

2. After the existing proviso to Rule 11 of the said Rules, the following new proviso shall be added namely:—

“Provided further that:—

- (a) the hotels or hotels and restaurants (when combined) for which applications are made are duly approved and registered with the Tourism Department. However, the existing such L-3, L-4 and L-5 licensees in the State will have to get their premises registered with the Tourism Department within six months from 1-4-1990, failing which they will not be entitled to the licenses after this date and their licenses will be cancelled and the fixed fee may be refunded proportionately for the remaining period of the year; and
- (b) the continuance of the licenses or renewal may be allowed keeping in view the lifting of liquor from authorised sources during the last year and after ascertaining the economic viability of the licenses.”

3. In the existing sub-rule (f) of rule 27 of the said Rules shall be substituted as follows:—

- “(f) Notwithstanding anything contained in sub-rule (a), (b), (c), (d) and (e) of this rule—
 - (i) an additional license fee @ 50 paise per quart bottle shall be charged from L-14 and L-14-A Licensees on the sale of original quota of country liquor fixed for the vend (two pints or four nips shall be taken equivalent to one quart bottle);
 - (ii) an additional license fee @ 50 paise per quart bottle of 750 Mls. capacity shall be charged on the sale of Foreign Liquor including I.M.F.S. but excluding Beer from the L-2 and L-2-A licensees. For this purpose, the quantity of the liquor sold in bottles of other sizes shall be converted into units of 750 Mls. each. This fee shall also be payable on the sale of such liquor conducted by the L-3, L-4 and L-5 licensees in respect of the liquor procured by them from sources other than L-2 vends; and
 - (iii) the additional licence fee mentioned in clauses (i) and (ii) of this sub-rule shall be payable by the 15th of the following month on the sales conducted in the preceding month. Provided that on the sales conducted in the month of March, 1991, the licensee shall be required to clear the dues on account of additional license fee by the 31st March.

Note.—All other provisions relating to grant, of extension in payment, sealing of vends in cases of default, and levy of interest and penalty as applicable for the recovery of license fee shall apply *mutatis mutandis* to the additional license fee also.”

4. After the existing sub-rule (2) of Rule 38 of the said Rules, the following new sub-rule (2-A) shall be added, namely:—

“(2-A) Supplementary licence in form L-2-A for retail vend of foreign liquor to the public for consumption on the premises (attached with L-2 vend):—

- (a) The licence shall be granted only to L-2 licensees which are approved by the Financial Commissioner (Excise) at the commencement of each year;
- (b) The licensee shall run the vend on the premises in or adjoining the premises of L-2 vend to which the L-2-A vend (Ahata) is attached. Where the premises are not so provided, an L-2-A vend shall not be approved by the Collector (Excise);
- (c) The licensee shall provide proper and reasonable facilities of furniture to the customers, to the satisfaction of the Collector (Excise);
- (d) The licensee shall also provide proper cover to the customers drinking on the premises of the L-2-A vend, so that they are not visible to public from outside the vend;
- (e) The sale for consumption on the premises shall be by duly stamped peg measures of 60 Mls. and 30 Mls. in the case of Foreign Liquor and in case of Beer by quart bottle of 650 Mls;
- (f) The foreign liquor to be sold for consumption shall be of the prescribed strength in each case, and its supplies shall be obtained from the concerned main L-2 vend only;
- (g) The licence shall not be run on the premises used as hotels and/or restaurants or at places providing eatables; and
- (h) The licensee shall in addition to keeping drinking vessels for use of customers shall also keep for their use a supply of pure drinking water.”

5. In rule 39 (a) of the said Rules, after the word sign and figure “L-2” but before the word “shall”, the word figure and sign “L-2-A” shall be inserted.

6. In Schedule “A” under rule 27 of the said Rules, the following new item at serial No. 2-A shall be added and the existing items at serial No. 3, 10(b) and 16 shall be respectively substituted as follows, namely:—

(i) “2-A.	L-2-A for the retail vend of foreign liquor to the public only for consumption on the premises (supplementary to form L-2)	Rs. 50,000 per annum (payable in lump-sum).”
(ii) “3.	L-3, L-4 and L-5 for the vend of foreign liquor in a hotel or dak bungalow, restaurant and a bar attached to a restaurant the following fixed fee shall be charged:	
	(a) In town/village with population upto 10,000.	Rs.29,375 per annum.
	(b) In town/village with population above 10,000 and upto 15,000.	Rs. 36,875 per annum.
	(c) In town/village with population above 15,000.	Rs.55,000 per annum.”
(iii) “10(b)	(i) Quota earmarked upto 15,000 Pls. (ii) Quota earmarked above 15,000 Pls. to 30,000 Pls. (iii) Quota earmarked above 30,000 Pls. to 50,000 Pls. (iv) Quota earmarked above 50,000 Pls. to 70,000 Pls. (v) Quota earmarked above 70,000 Pls. to 90,000 Pls. (vi) Quota above 90,000 Pls.	Rs.10,000 Rs.15,000 Rs.22,500 Rs.30,000 Rs.37,500 Rs.45,000”
(iv) “16(a)	Additional licence fee on Country Liquor payable by L-14 & L-14-A licensees on sale of original quota fixed for the vend; and	50 paise per quart bottle of country liquor.

16 (b) Additional licence fee on the sale of Foreign Liquor including I.M.F.S. but excluding Beer by the L-2 and L-2-A licenses and L-3, L-4 and L-5 licensees when L-3, L-4 and L-5 licensees procure such liquor from the sources other than L-2 vends.	50 paise per quart bottle of 750 Mls capacity. (The quantity of liquor sold in bottles of other sizes shall be converted into units of 750 Mls. each)."
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7. The signs and words "[See sub-rule (a) of rule 27]" occurring in the SCHEDULE 'A' under Rule 27 shall be substituted by the signs and words "(See Rule 27)."'

P. C. DOGRA,
*Excise and Taxation Commissioner,
Himachal Pradesh.*

नियन्त्रक, मद्रण तथा लेडन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित ।